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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,053	12/28/2001	Paolo Di Emidio	21429-PA	2739
7590 03/04/2004			EXAMINER	
LEONARD BLOOM & ASSOCIATES, LLC			DAVIS, DANIEL J	
Intellectual Pro	perty Law Offices			
Suite 220			ART UNIT	PAPER NUMBER
502 Washington Avenue Towson, MD 21204			3731	2
			DATE MAILED: 03/04/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. **Entendance from pays be available under the precision of 3 PGR**, 1,35(a). In no event, however, may a reply be timely filled **It the period for reply specified above is loss than thirty (30) days, a reply within the statutory minimum of thirty (30) days, will be considered timely. **It has period for reply specified above is loss than thirty (30) days, a reply within the statutory minimum of thirty (30) days, will be considered timely. **It has period reply is specified above, the maximum statutory period will apply and will expose \$50 (MONTH'S term than statution). **A reply received by the Office later than thirts continue after the mailing date of this communication, even if timely filled, may reduce any carried patent term adjustment. See 37 CFR 1.704(b). **Status** **10** **This action is FINAL.** **20** **2	:	Application No.	Applicant(s)				
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1) Responsive to communication(s) filed on	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period with Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing 	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) fis/are pending in the application. 4a) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filed on is/are: allowed. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: allowed. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 2. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	Status						
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Application/Control Number: 10/035,053

Art Unit: 3731

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Publication P2001-29113A. The patent discloses in Fig. 2 a "surgical plate" comprising a first series of rings 6 and 7. There is a "plate" connecting the first series of rings 6 and 7. A second series of rings is monolithic and separated by a connection plate 3. There is an intermediate series of balls 2 and cylindrical arms. Fig. 3 better illustrates the balls and cylindrical arms.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Christensen (US 3,488,779), Sanders (US 5,54,194), Manolidis (US 6,060,641), Saurat et al. (US 6,296,644), and Giovannone et al. (US 2003/0108845).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Jacob Davis whose telephone number is (703) 305-1232. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Milano can be reached on (703) 308-2496. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJD February 26, 2004

MICHAEL J. MILANO SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3700